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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/451,442	11/30/1999	KENJI MIKAMI	35.C14160	9073
5514	7590	05/31/2006	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			PARK, CHAN S	
			ART UNIT	PAPER NUMBER
			2625	

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/451,442

Applicant(s)

MIKAMI ET AL.

Examiner

CHAN S. PARK

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9, 15 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 15 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

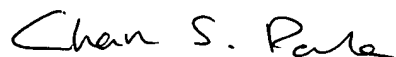
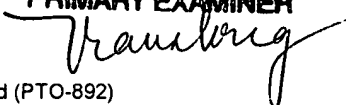
- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

DOUGLAS Q. TRAN  
PRIMARY EXAMINER

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 4/25/06 has been entered.

### ***Response to Amendment***

2. Applicant's amendment was received on 4/25/06, and has been entered and made of record. Currently, **claims 1-9, 15 and 18** are pending.

### ***Response to Arguments***

3. Applicant's arguments with respect to **claims 1-9, 15 and 18** have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: a unit,

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arrange to erase the pop-up message. The newly added limitation now requires a discrimination unit for discriminating whether or not the manual instruction by the operator is not input for a period time “which is designated by the time information received from the external device and stored in said storage unit.”

The “time information” the applicant relies on appears to be described in Fig. 9 (Screen Display 62) and the corresponding disclosure of lines 5-12 of page 20 in the Original Specification. Upon careful review of the disclosure, it is respectfully noted that this time information inputted in the display 62 of Fig. 9 is only used in a situation where the previously displayed pop-up message is erased and then displayed again when there is no operation executed for a predetermined time designated in the display 62 since the erasure. Referring to lines 1-19 of page 26 in the Original Specification, the predetermined time for displaying the message first time is different from the designated time for displaying the erased message. In other words, the time designated in the display 62 is never used unless the message is first displayed and then erased. It is only upon the erasure of the pop-up message the designated time is used to display the erased message again. Therefore, a unit for displaying the pop-up message and erasing the pop-up message must be claimed.

Furthermore, it recites “displaying information based on the message data” in line 21. It is unclear if there is any difference between “the information” and “the message data”. Based on the Specification (Figs, 9 & 15), it is noted that whole message data is displayed rather than “the information based on the

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message data". How exactly is "the information" distinguished from the "the message data"? Explanation/clarification is respectfully requested.

5. Claims 15 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: a step of erasing the pop-up message. Moreover, arguments analogous to those presented for claim 1, are applicable.

6. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim recites that "said display unit displays a display image frame different for each process function executed by said process unit and said control unit controls the display [unit] based on the message data received..., according to the display image frame for which the information is intended." It is uncertain as to whether image frame and the information are displayed separately. Is the image frame displayed upon completion of a particular process and is the information displayed according to the already-displayed image frame? Does said process unit have to process the function first in order to display image frame?

7. Claim 2 recites the limitation "the information" in line 5. There is insufficient antecedent basis for this limitation in the claim. It is uncertain if it is referring to "the time information" or "information based on the message data".

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8. Claim 3 recites the limitation "image frame of information" in lines 2- 3.

There is insufficient antecedent basis for this limitation in the claim. It is uncertain if it is referring to "the time information", "information based on the message data" or something else.

9. With respect to claims 4-9, arguments analogous to those presented for claims 2 and 3, are applicable. Clarification between "time information" and "displaying information" is requested.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 15 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Freiberger et al. U.S. Patent No. 6,034,652 (hereinafter Freiberger).

10. With respect to claim 1, Freiberger discloses a data processing apparatus (content display system 203 in fig. 2) comprising:

an instruction input unit, arranged to input a manual instruction by the operator (col. 9, lines 22-37 & col. 11, lines 51-57);

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a process unit, arranged to execute a predetermined process based on the input by said instruction input unit (col. 8, lines 9-36);

a connection unit, arranged to connect with an external device (fig. 2);

a storage unit, arranged to store message data and time information received from the external device through said connection unit (figs. 3A-C);

a display unit, arranged to display the message data stored in said storage unit (col. 10, lines 4-42);

a discrimination unit, arranged to discriminate whether or not the manual instruction by the operator is not input for a period of time which is designated by the time information received from the external device and stored in said storage unit (col. 8, lines 37-58); and

a control unit, arranged to control said display unit to start displaying information based on the message data stored in said storage unit, in response to the discriminated result provided by said discrimination unit that no manual instruction by the operator has been input for the period of time (col. 9, lines 22-36 & col. 10, lines 4-42).

11. With respect to claims 15 and 18, arguments analogous to those presented for claim 1, are applicable.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to

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be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freiburger as applied to claim 1 above, and further in view of Inui et al. U.S. Patent No. 6,295,389 (hereinafter Inui).

12. With respect to claim 2, Freiburger discloses the data processing apparatus according to claim 1, but Freiburger does not explicitly disclose the displaying unit for displaying a display image frame different for each process function executed by said process unit, and said control unit for controlling the display based on the message data received from the external device through said connection unit and stored in said storage unit, according to the display image frame for which the information is intended.

Inui, the same field of endeavor of the data processing apparatus having a display unit, discloses the displaying unit for displaying a display image frame different for each process function executed by said process unit, and a control unit for controlling the display based on the instructions received and messages stored in a storage unit, according to the display image frame for which the information is intended (col. 7, lines 39-53 & figs. 9 & 12). Further, it is well known in the art to have different image frames for each processes in the computing system.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the multiple image display frame of Inui into the data processing apparatus of Freiburger.

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The suggestion/motivation for doing so would have been to display received multiple messages simultaneously using the different image frames.

Therefore, it would have been obvious to combine Freiburger with Inui to obtain the invention as specified in claim 2.

13. With respect to claim 3, Inui discloses the data processing apparatus according, wherein said display unit is adapted to display a display image frame of information based on the message data received and stored in said storage unit, and an operation image frame for input by said instruction input unit (col. 7, lines 39-53 & figs. 9 & 12) wherein Freiburger discloses the data processing apparatus including the display unit for displaying message data received from the external device through said connection unit (col. 10, lines 4-42).

14. With respect to claim 4, Inui discloses the data processing apparatus according, wherein said display unit is adapted to display first display information to be displayed in place for the operation image frame for input by said instruction input unit, based on the message data and stored in said storage unit, and second display information to be displayed in the operation image frame (col. 7, lines 39-53 & figs. 9 & 12) wherein Freiburger discloses the data processing apparatus including the display unit for displaying message data received from the external device through said connection unit (col. 10, lines 4-42).

Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freiburger as applied to claim 1 or 2 above, and further in view of Martenson U.S. Patent No. 6,219,708.

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15. With respect to claim 5, Freiburger discloses the data processing apparatus according to claim 1, but it does not disclose expressly that the control unit receives, by MIB message data for the information to be displayed by said display unit and stored in said storage unit, and executes reception from the external device through said connection unit according to SNMP.

Martenson discloses a data processing apparatus comprising a control unit for receiving, by MIB (col. 10, lines 23-29), message data for the information to be displayed by a display unit and stored in a storage unit, and executes reception from the external device through said connection unit according to SNMP (col. 10, lines 1-4, 23-29). Also, read col. 2, lines 27-40.

Freiberger & Martenson are combinable because they are from same field of endeavor that is the network communication.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate the SNMP communication method of Martenson into the data processing apparatus of Freiburger.

The suggestion/motivation for doing so would have been to receive/transmit the message data using SNMP in the network and thus providing more flexibility to the network user.

Therefore, it would have been obvious to combine Freiburger with Martenson to obtain the invention as specified in claim 5.

16. With respect to claim 6, Examiner takes an Official Notice that receiving a message, as an electronic mail data is well known in the computer network communication. Furthermore, Martenson teaches the method of sending

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messages as electronic mails to be displayed on the network device (col. 16, lines 44-63). Therefore, it would have been obvious to combine Freiburger with Martenson to obtain the invention as specified in claim 6.

17. With respect to claim 7, Martenson discloses a data processing apparatus, wherein said control unit receives message data of the information to be displayed by said display unit and stored in said storage unit, according to SMTP/POP (col. 5, lines 55-62).

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freiburger as applied to claim 1 or 2 above, and further in view of Henderson et al. U.S. Patent No. 6,185,603 (hereinafter Henderson).

18. With respect to claim 8, Freiburger discloses the data processing apparatus according to claim 1.

Freiburger, however, does not disclose expressly that the display unit is capable of displaying information of plural display colors, and said control unit is adapted to vary the display color according to the priority contained in the message data received from the external device through said connection unit and stored in said storage unit.

Henderson, the same field of endeavor of the message displaying art, discloses a data processing apparatus comprising display unit for displaying information of plural display colors, and a control unit is adapted to vary the display color according to the priority contained in the message data received

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from an external device through said connection unit and stored in a storage unit (col. 7, line 64 – col. 8, line 4).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the color display of Henderson with the data processing apparatus of Freiburger.

The suggestion/motivation for doing so would have been to distinguish each messages using different color.

Therefore, it would have been obvious to combine Freiburger with Henderson to obtain the invention as specified in claim 8.

19. With respect to claim 9, Henderson, the same field of endeavor of the message displaying art, discloses a data processing apparatus comprising an accumulation unit for storing plural files, wherein said control unit is adapted to cause said display unit to display information indicating the file accumulated in said accumulation unit, and display unit for displaying information with different display color according to the attribute of the file (col. 8, lines 15-18).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the color display of Henderson with the data processing apparatus of Freiburger.

The suggestion/motivation for doing so would have been to distinguish each messages using different color.

Therefore, it would have been obvious to combine Freiburger with Henderson to obtain the invention as specified in claim 9.

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**Contact Information**

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHAN S. PARK whose telephone number is (571) 272-7409. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (571) 272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

csp  
May 22, 2006

Chan S. Park  
Examiner  
Art Unit 2625

*Chan S. Park*

DOUGLAS Q. TRAN  
PRIMARY EXAMINER

*Tran*